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**COMMUNITY GROUP UNEARTHES CITY OF LOS ANGELES PROCEDURE THAT UNDERPINNED
RECENT BRIBERY SCANDAL INVOLVING CITY COUNCILMEMBERS AND OTHER HIGH OFFICIALS**

**City Council Committee Procedure Directing Staff To Write A Secret Summary Of All Zoning
And Real Estate Project Appeals Decided By City Council Supports A Current Hearing Process
Where City Councilmembers And Their Deputies Do Not Bother To Read Hearing Materials In
The Official Council File But Instead, Having The Secret Summary Before Them At Meetings,
Tend To Simply Defer To Whatever The Preference Was Of The Councilmember In Whose
District A Real Estate Project Was Located**

On July 15, 2024 in a Los Angeles County Courthouse courtroom, a judge will be asked to order the City of Los Angeles to turn over to a community group a set of evidence the City's deputy attorneys are desperately seeking to withhold from litigants in the case, the press, and the public. The City's attorneys have said that if the judge does not defer to them, they will take an immediate appeal to the State Court of Appeals asking it to allow the City of Los Angeles to continue to use a secret staff report to its powerful Planning and Land Use Management ("PLUM") Committee to decide matters affecting some of the largest real estate projects in the City.

Already in this case, the Crane Boulevard Safety Coalition, a community group prosecuting a lawsuit over a luxury house project and certain practices of the City, has obtained stunning

court admissions by the City of Los Angeles. In deposition, a key City staffer testified that City Councilmembers and their Council Deputies do not have time to actually read the materials that City employees, Neighborhood Councils, and community members place in the City's official online Council File when the PLUM Committee is reviewing important zoning, land use, and environmental items before the City Council.

Instead, perhaps for decades, the City Council's PLUM Committee appears to have used a system of assigning to a lone analyst the task of reading the Council File materials and preparing a one or two-page summary of each item on the PLUM Committee meeting agenda – literally a secret Cliff Notes of complex zoning and real estate projects before the City Council.

In a recent deposition, Roberto Mejia, the analyst assigned to the PLUM Committee for the last 23 years, testified that neither City Councilmembers nor their Council Deputies had time to read “the voluminous documents” in the Council File. In other written admissions, the City conceded that the Chief Legislative Analyst, (Mr. Mejia) just prior to each public PLUM Committee Meeting distributes “PLUM Notes” to the deputies of each City Councilmember on the PLUM Committee. The City also conceded that distribution of these PLUM Notes are “for the convenience” of Councilmembers and their Council Deputies – meaning that they are intended to be passed by the deputies on to their City Councilmember bosses to carry to the PLUM Committee meeting.

No one, including land use appellants with constitutional rights to a fair hearing before the PLUM Committee, nor Los Angeles County Superior Court judges, have ever been voluntarily told by the City's attorneys of the existence of this Secret PLUM Briefing Memo as possible relevant evidence in litigation over the City Council's real estate development project decisions. Therefore, no one could challenge the accuracy or completeness of Mr. Mejia's PLUM Notes at the public PLUM Committee hearing or in court if litigation ensued. The City's attorneys never disclosed to litigants (including the Crane Boulevard Safety Coalition who uncovered this process), or to Los Angeles County judges, that the evidence placed before courts reviewing City Council decisions in legal challenges ***did not include the written materials the City***

Councilmembers actually might have read to decide a land use case or make policy affecting millions of the City's residents.

“Personally, I am troubled to think that the deputy attorneys in the City’s Land Use Section of the City Attorneys’ office think that they can ethically refuse to disclose this evidence to land use appellants or the judges who they appear before. We contend the courts ought to be reviewing these reports to determine the fairness and correctness of City Council decision making,” said Mark Kenyon, a spokesman for the Crane Boulevard Safety Coalition. “In motions to be decided on July 15, the City’s attorneys claim that every word of Mr. Mejia’s Secret PLUM Notes are confidential – but if all Mr. Mejia is doing is reducing complex land use appeals down to a 1- or 2-page summary of facts in the public Council File – how does something already “public” legitimately become “confidential” information? It is not credible for the City’s attorneys to claim that they are justified in keeping secret from the public and courts all these years a set of secret briefing notes that contain largely already public information,” he said.

The implications of the City Councilmembers relying on a secret PLUM Note summary instead of reading the Council File is far reaching. Developers and community groups have spent millions of dollars for attorneys and their own time and effort to try to present detailed land use appeal information to the PLUM Committee members in the Council File so that they might be informed. Neighborhood Councils, created to increase a voice in land use and other matters at City Hall, submit their reports to the Council File only to have them unread by PLUM Committee members. City Councilmembers, Deputies, and the City Clerk, tell members of the public to submit written comments to the City Council file, when they know such comments are unlikely to impact decision making if the Councilmembers rely instead on a summary report never seen by the public.

The City’s analyst now says he prepares a PLUM Notes document for each meeting so that Councilmembers and their Council Deputies do not have to read the land use appeal materials in the Council File. “This revelation is stunning. Either the City Councilmembers have to do their

job, or we have to amend the City Charter to delegate decision making power to a body of persons who will actually read the file and do the work,” observed Mr. Kenyon.

Watchers of Los Angeles City Council have observed that land use appeals before the PLUM Committee used to provide at least 15 minutes per side so that the City Council would get a face-to-face analysis of the issues, and perhaps advice on how to improve projects or decrease negative impacts on their constituents. Today, at PLUM Committee, appealing parties are given as little as 2.5 minutes and hearing testimony from affected public members has been reduced to one minute each. The Crane Boulevard Coalition group observes: “If the PLUM Committee members don’t read the Council File, barely listen to any oral argument or evidence, rarely publicly deliberate or ask questions, one has to ask: What is the basis of their decision making?”

The basis of the PLUM Committee’s decision making might just be a tradition of deferring to each other involving real estate development projects in their own districts, unless something extraordinary comes to light at the hearing. “It is well-known among those who watch Los Angeles City Council that they follow a norm of deferring to the wants and desires of the City Councilmember in whose district a project lies,” said Mr. Kenyon. “Such a norm of just deferring to each other goes a long way to explain why we have watched actual time devoted to PLUM Committee hearings reduced downward to a vanishing point. If you are a Councilmember and you are participating in an implicit vote swap with your colleagues, no matter what the merits of the paperwork might be in the Council File (if you even read it), why would you want to spend another minute listening to anyone – including those who have a constitutional right to be in front of you?” he said.

Legal experts also point out that the City’s admission it has been preparing an undisclosed staff report summarizing all the items on the upcoming PLUM Committee meeting, and then distributing that report to the offices of all or a majority of the PLUM Committee Councilmembers, without also releasing it to the public in the Council File, appears inconsistent with California state law. The state’s open meeting law, Government Code section 54957.5,

requires that when written materials are distributed to all or a majority of a government body just before the public meeting, the agency is generally required to immediately release that written document to the public. “Mr. Mejia has testified that he puts only public facts into his PLUM Note summaries of items of the PLUM Committee meeting agenda. Already public facts are not confidential and must be released to the public. It’s a secret staff report, that has no business being secret,” Mr. Kenyon observed.

But beyond these issues is how this Secret PLUM Briefing Notes Report might also have enabled former Councilmember Jose Huizar to have the confidence he needed that he could rely upon his colleagues to defer to his preferences that may have been communicated to his colleagues – or a majority of them as Mr. Mejia’s Secret Briefing Notes report (or the content of it) was passed to City Councilmembers by their deputies.

Since his district included downtown Los Angeles where a phalanx of skyscrapers was proposed, Mr. Huizar extracted easy campaign contributions by being the Chair of the powerful PLUM Committee. Every Councilmember likes to be in the decision-making chair because of this financial perk to receive contributions. But Mr. Huizar also traded his official votes at PLUM Committee to dispose of land use appeals for the benefit of real estate developers – some of whom gave him cash he stashed in cigar boxes in a closet, laundered through family members, and some of whom gave him luxury trips to Las Vegas to gamble, receive escort services, and other well-documented “benefits” in his federal criminal bribery case.

Mr. Huizar was sentenced to federal prison for 13 years for these crimes. The City removed Mr. Huizar from his position as the Chair of the PLUM Committee in 2018. However, the new revelations in the Crane Boulevard Safety Coalition case shows that a secret process remains embedded within the City’s bureaucracy – one that could enable more pay-to-play scandals because the process remains in place.

It remains to be seen if the City's secrecy claims will succeed in preventing judicial review of the fairness of this secret City PLUM Committee process. The Crane Boulevard Safety Coalition is ringing an alarm bell to residents: "The City has conducted a litigation war against us, a group of neighborhood residents. We will see if the City's use of its vast taxpayer funds and lawyer resources will prevent the truth from coming out. Sometimes it's the smallest voices from neighborhoods that bring positive change. This practice cries out for reform," the group said.

To provide transparency about the upcoming July 15, 2024 court hearing on the City's secrecy claims, many of the key documents of *Crane Boulevard Safety Coalition v. City of Los Angeles* (Case No. 23STCP02375) are posted in Drop Box at this location:

<https://www.dropbox.com/scl/fo/5iwn31tvuqzpjka031wnz/h?rlkey=97p0vkw3vaq5ob3ejwdcu1eph&st=l6qszt94&dl=0>

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